

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEISHAWN I. DISMUKE,

Petitioner,

Case Number: 16-13964
HONORABLE AVERN COHN

v.

JOSEPH BARRETT,

Respondent.

_____ /

ORDER DENYING PETITIONER'S MOTION TO LIFT STAY (Doc. 17)

I.

This is a habeas case under 28 U.S.C. § 2254. Petitioner Keishawn I. Dismuke ("Petitioner"), a state prisoner proceeding pro se, filed a habeas petition challenging his convictions for assault with intent to do great bodily harm less than murder, malicious destruction of personal property between \$1,000 and \$20,000, and possession of a firearm during the commission of a felony. On May 3, 2018, the Court granted Petitioner's motion to stay proceedings to allow him to exhaust additional claims in state court. (Doc. 14). Now before the Court is Petitioner's "Motion to Lift Stay." (Doc. 17). For the reasons that follow, the motion is DENIED.

II.

In staying proceedings, the Court, among other things, required Petitioner to present his unexhausted claims to the state court within sixty days. Petitioner did so by filing a motion for relief from judgment in the trial court. It does not appear, however, that Petitioner has pursued any further review in state court as required to exhaust his remedies. Petitioner attaches to his motion only the trial court's order denying the

motion for relief from judgment. He does not state that he further pursued his remedies by filing an application for leave to appeal to the Michigan Court of Appeals. A search of the Michigan Court of Appeals' public database of electronic court records shows no application for leave to appeal having been filed. Because Petitioner has not yet exhausted his state court remedies, he is not entitled to have the case reopened.

The case remains closed for administrative purposes.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

DATED: June 21, 2018
Detroit, Michigan